

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
-PATENT-

Applicant/Appellant: Honeywell International Inc.

Inventor: Mario DiMarco

Serial No.: 09/224,340

Filing Date: December 31, 1998

Title: MODIFIED IMA CABINET ARCHITECTURE

Examiner: Tuan T. Dinh

Art Unit: 2841

TO: Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANT'S REPLY BRIEF  
PURSUANT TO 37 C.F.R. § 1.193(b)(1)**

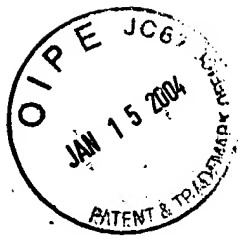
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(Submitted in Triplicate)

U.S. Serial No. 09/224,340  
46180.3900/A62-17022-US  
1458278.1

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**APPELLANT'S REPLY BRIEF PURSUANT TO 37 C.F.R. § 1.193(b)(1)**

Dear Assistant Commissioner:

This Reply Brief is in response to the Examiner's Answer mailed on November 19, 2002 ("Examiner's Answer"). Pursuant to 37 C.F.R. §1.193(b)(1), Appellant may file a Reply Brief in response to the Examiner's Answer within two months from the date of such Answer. Accordingly, Appellant is filing this Reply Brief, which addresses an error in the Examiner's Answer in connection with the Grouping of Claims. **This reply brief is being submitted in triplicate.**


In the Examiner's Answer, the Examiner contends that the rejection of claims 1-7 and 9-24 stand or fall together because Appellant's Brief (filed April 11, 2003) allegedly does not include a statement that this grouping of claims does not stand or fall together including the reasons thereof.

Pursuant to 37 C.F.R. §1.192(c)(7), for each ground of rejection, the Board shall select a single claim from the group and decide the appeal as to the ground of rejection, unless a statement is included that the claims of the group do not stand or fall together and Appellant explains why the claims of the ground are believed to be separately patentable. Indeed, the Appeal Brief filed by Appellant on April 11, 2003 ("Appellant's Brief") included statements on pages 5 and 6 that the grouping of claims under each ground of rejection do not stand or fall together. In Appellant's Brief, Appellant provided Groups I-XVI indicating which claims stand or fall together. In addition, Appellant explains why the claims of the ground are believed to be separately patentable on pages 22-24 of Appellant's Brief. Appellant attaches herewith pages 5, 6, and 22-24 of Appellant's Brief filed on April 11, 2003 for convenience.

For the above reasons, as well as all of those arguments set out on previous papers contained in the record, Appellant contends that Appellant's pending patent claims are directed to patentable subject matter and respectfully requests this Board to so indicate.

Dated: 1-14-04

Respectfully submitted,

By:   
Shahpar Shahpar  
U.S. Registration No. 45,875

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- C. Whether Claims 4 and 5 are unpatentable under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention.

## **VII. GROUPING OF CLAIMS**

The Examiner's rejection of Claims 1, 13, and 22-24 under 35 U.S.C. §102 (b) do not stand or fall together. More specifically, the following groups of claims are believed to be separately patentable:

In Group I, Claims 1, 13, 16, 17, and 22 stand together;

In Group II, Claim 23 stands alone; and

In Group III, Claim 24 stands alone.

The Examiner's rejection of Claims 2-5, 19, and 20 under 35 U.S.C. §103 (a) do not stand or fall together. More specifically, the following groups of claims are believed to be separately patentable:

In Group IV, Claim 2 stands alone;

In Group V, Claim 3 stands alone;

In Group VI, Claim 4 stands alone;

In Group VII, Claim 5 stands alone;

In Group VIII, Claim 19 stands alone; and

In Group IX, Claim 20 stands alone.

The Examiner's rejection of Claims 6, 7, and 9-11 under 35 U.S.C. §103 (a) do not stand or fall together. More specifically, the following groups of claims are believed to be separately patentable:

In Group X, Claim 6 stands alone; and

In Group XI, Claims 7, 9, 10, and 11 stand together.

The Examiner's rejection of Claims 14-18 under 35 U.S.C. §103 (a) do not stand or fall together. More specifically, the following groups of claims are believed to be separately patentable:

In Group XII, Claim 14 stands alone;

In Group XIII, Claim 15 stands alone; and

In Group XIV, Claim 18 stands alone.

The Examiner's rejection of Claims 12 and 21 under 35 U.S.C. §103 (a) do not stand or fall together. More specifically, the following groups of claims are believed to be separately patentable:

In Group XV, Claim 12 stands alone; and

In Group XVI, Claim 21 stands alone.

The Examiner's rejection of Claims 4 and 5 under 35 U.S.C. §112 (second paragraph) do not stand or fall together. More specifically, the following groups of claims are believed to be separately patentable:

In Group VI, Claim 4 stands alone; and

In Group VII, Claim 5 stands alone.

### **VIII. ARGUMENT**

#### **A. The Examiner Has Not Established Anticipation Of Appellant's Claims By The Cited Reference**

Claims 1, 13, and 22-24 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Mazura, U.S. Patent No. 5,375,724, issued December 27, 1994 ("Mazura"). Applicant respectfully traverses the rejection.

To sustain this rejection, the Examiner must establish that "the invention was patented or described in a printed publication in this or a foreign country...more than one year prior to the date of the application for patent in the United States". 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."<sup>1</sup> To anticipate a claim for a patent, a single prior source must contain each of its limitations.<sup>2</sup> In other words, "every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim."<sup>3</sup> "To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter."<sup>4</sup>

<sup>1</sup> Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>2</sup> Hybridtech, Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1376, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); In re Donohue, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

<sup>3</sup> Gechter v. Davidson, 116 F.3d 1454 (Fed. Cir. 1997) (emphasis added).

<sup>4</sup> PPG Indus., Inc. v. Guardian Indus. Corp., 75 F.3d 1558 (Fed. Cir. 1996).

when a large mechanical advantage and irreversible motion are desired".<sup>37</sup> Accordingly, by definition and as further described above, the screws can "apply a predetermined amount of force between said face plate of the PCB module and said chassis" by clutching and/or self-latching (e.g., screws 316 and 318 can be turned without further tightening, or they cannot be extracted without being turned in the opposite direction). Thus, the above definition of a jack screw and examples of the present invention illustrates how the screws apply a predetermined amount of force and what causes the predetermined amount of force. Therefore, Claims 4 and 5, Groups VI and VII, are in accordance with 35 U.S.C. § 112, second paragraph, and thus patentable.

**D. Separately Patentable Claims**

In addition to the foregoing discussion, the following various groups of claims are separately patentable for the following reasons:

With respect to Group I, Claim 1 is patentable over the cited reference. The cited reference fails to disclose "each PCB module includes a faceplate and a connector assembly disposed opposite said faceplate such that each PCB module is enclosed" and "said plurality of printed circuit board modules creates a seal with said chassis" as recited in Claim 1.

With respect to Group II, Claim 23 is patentable over the cited reference. The cited reference fails to disclose "said plurality of printed circuit board modules creates a seal with said chassis" as recited in Claim 23.

With respect to Group III, Claim 24 is patentable over the various combination of references. The various combination of references fails to disclose "each PCB module is enclosed" and "said plurality of printed circuit board modules creates a seal with said chassis" as recited in Claim 24.

With respect to Group IV, Claim 2 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "each of said plurality of PCB modules further comprises: a first screw for attaching said first end of said face plate to said chassis; and a second screw for attaching said second end of said face plate to said chassis" as recited in Claim 2.

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<sup>37</sup> WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY (Unabridged) 2040 (Merriam-Webster, Inc. 1993).

With respect to Group V, Claim 3 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "said first screw is configured as a jack screw" as recited in Claim 3.

With respect to Group VI, Claim 4 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "said first and second screws are configured to clutch when said screws are tightened to apply a predetermined amount of force between said face plate of the PCB module and said chassis" as recited in Claim 4.

With respect to Group VII, Claim 5 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "said predetermined amount of force applies a load of about 70 pounds per screw" as recited in Claim 5.

With respect to Group VIII, Claim 19 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "said top panel and said bottom panel are configured with a plurality of guide rails for guiding said PCB modules into said slots in said chassis" as recited in Claim 19.

With respect to Group IX, Claim 20 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "each slot in said chassis has one guide rail mounted on said top panel and one guide rail mounted on said bottom panel, wherein said guide rails are centrally mounted with respect to each slot" as recited in Claim 20.

With respect to Group X, Claim 6 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "a first circuit board having a first end connected to said face plate and an opposite second end connected to said connector assembly; and a second circuit board having a first end connected to said face plate and an opposite second end connected to said connector assembly" as recited in Claim 6.

With respect to Group XI, Claim 7 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "said connector assembly further comprises a plurality of connectors for connecting to wire harnesses" as recited in Claim 7.

With respect to Group XII, Claim 14 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "said top panel and said bottom panel are interchangeable" as recited in Claims 14.

With respect to Group XIII, Claim 15 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "said first side panel and said second side panel are interchangeable" as recited in Claim 15.

With respect to Group XIV, Claim 18 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest or "said ventilation holes are less than about 0.09 inches in diameter" as recited in Claim 18.

With respect to Group XV, Claim 12 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest or a face plate having "a slot formed therein", "a flexible handle member having substantially the same dimensions as said slot", where the flexible handle member is "configured to move between a retracted position and a use position", and where the flexible handle member lies within the "slot in said retracted position and said flexible handle member extends out from said slot in said use position" as recited in Claim 12.

With respect to Group XVI, Claim 21 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest or a retainer member configured to attach the first end of the flexible handle member to the first end of the slot such that the flexible handle member is configured to move between a retracted position and a use position, where the first end of the flexible handle member does not move when the flexible handle member moves between the retracted position and the use position as recited in Claim 21.





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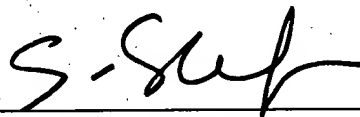
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Dated: 1-14-04

Respectfully submitted,

By:   
Shahpar Shahpar  
U.S. Registration No. 45,875

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400 East Van Buren  
Phoenix, Arizona 85004-2202  
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The Examiner's rejection of Claims 12 and 21 under 35 U.S.C. §103 (a) do not stand or fall together. More specifically, the following groups of claims are believed to be separately patentable:

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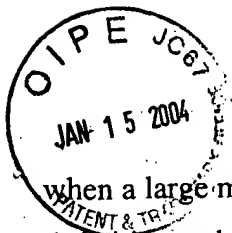
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when a large mechanical advantage and irreversible motion are desired".<sup>37</sup> Accordingly, by definition and as further described above, the screws can "apply a predetermined amount of force between said face plate of the PCB module and said chassis" by clutching and/or self-latching (e.g., screws 316 and 318 can be turned without further tightening, or they cannot be extracted without being turned in the opposite direction). Thus, the above definition of a jack screw and examples of the present invention illustrates how the screws apply a predetermined amount of force and what causes the predetermined amount of force. Therefore, Claims 4 and 5, Groups VI and VII, are in accordance with 35 U.S.C. § 112, second paragraph, and thus patentable.

**D. Separately Patentable Claims**

In addition to the foregoing discussion, the following various groups of claims are separately patentable for the following reasons:

With respect to Group I, Claim 1 is patentable over the cited reference. The cited reference fails to disclose "each PCB module includes a faceplate and a connector assembly disposed opposite said faceplate such that each PCB module is enclosed" and "said plurality of printed circuit board modules creates a seal with said chassis" as recited in Claim 1.

With respect to Group II, Claim 23 is patentable over the cited reference. The cited reference fails to disclose "said plurality of printed circuit board modules creates a seal with said chassis" as recited in Claim 23.

With respect to Group III, Claim 24 is patentable over the various combination of references. The various combination of references fails to disclose "each PCB module is enclosed" and "said plurality of printed circuit board modules creates a seal with said chassis" as recited in Claim 24.

With respect to Group IV, Claim 2 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "each of said plurality of PCB modules further comprises: a first screw for attaching said first end of said face plate to said chassis; and a second screw for attaching said second end of said face plate to said chassis" as recited in Claim 2.

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With respect to Group V, Claim 3 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "said first screw is configured as a jack screw" as recited in Claim 3.

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With respect to Group VII, Claim 5 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "said predetermined amount of force applies a load of about 70 pounds per screw" as recited in Claim 5.

With respect to Group VIII, Claim 19 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "said top panel and said bottom panel are configured with a plurality of guide rails for guiding said PCB modules into said slots in said chassis" as recited in Claim 19.

With respect to Group IX, Claim 20 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest where "each slot in said chassis has one guide rail mounted on said top panel and one guide rail mounted on said bottom panel, wherein said guide rails are centrally mounted with respect to each slot" as recited in Claim 20.

With respect to Group X, Claim 6 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "a first circuit board having a first end connected to said face plate and an opposite second end connected to said connector assembly; and a second circuit board having a first end connected to said face plate and an opposite second end connected to said connector assembly" as recited in Claim 6.

With respect to Group XI, Claim 7 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "said connector assembly further comprises a plurality of connectors for connecting to wire harnesses" as recited in Claim 7.

With respect to Group XII, Claim 14 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "said top panel and said bottom panel are interchangeable" as recited in Claims 14.

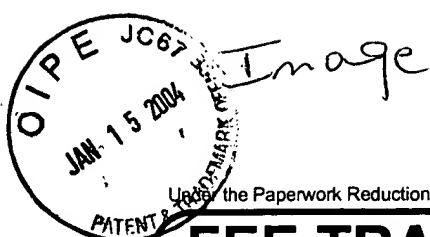
With respect to Group XIII, Claim 15 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest "said first side panel and said second side panel are interchangeable" as recited in Claim 15.

With respect to Group XIV, Claim 18 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest or "said ventilation holes are less than about 0.09 inches in diameter" as recited in Claim 18.

With respect to Group XV, Claim 12 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest or a face plate having "a slot formed therein", "a flexible handle member having substantially the same dimensions as said slot", where the flexible handle member is "configured to move between a retracted position and a use position", and where the flexible handle member lies within the "slot in said retracted position and said flexible handle member extends out from said slot in said use position" as recited in Claim 12.

With respect to Group XVI, Claim 21 is patentable over the various combination of references. The various combination of references fails to teach, advise, or suggest or a retainer member configured to attach the first end of the flexible handle member to the first end of the slot such that the flexible handle member is configured to move between a retracted position and a use position, where the first end of the flexible handle member does not move when the flexible handle member moves between the retracted position and the use position as recited in Claim 21.





01-16-04

AF/2841

PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$330.00

## Complete if Known

Application Number	09/224,340
Filing Date	December 31, 1998
First Named Inventor	Mario DiMarco
Examiner Name	Tuan T. Dinh
Art Unit	2841
Attorney Docket No.	46180.3900/A62-17022-US

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

19-2814

Deposit  
Account  
Name

Snell & Wilmer LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND

Total Claims		Extra Claims		Fee from below		Fee Paid
		-20** =	0	X		0.00
Independent Claims		-3** =	0	X		0.00
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) \$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	330.00
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$330.00

## SUBMITTED BY

Name (Print/Type)	Shahpar Shahpar	Registration No. (Attorney/Agent)	45,875	Telephone	(602) 382-6306
Signature		Date	January 14, 2004		

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/224,340	
	Filing Date	December 31, 1998	
	First Named Inventor	Mario DiMarco	
	Art Unit	2841	
	Examiner Name	Tuan T. Dinh	
Total Number of Pages in This Submission		Attorney Docket Number	46180.3900/A62-17022-US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Shahpar Shahpar, Snell & Wilmer LLP One Arizona Center, 400 East Van Buren Phoenix, Arizona 85004-2202
Signature	
Date	January 14, 2004

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